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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 09/672,033 | 09/29/2000 | CHITOSHI ITO | 107497 | 3005 | |
| 25944 | 7590 08/31/2004 | | EXAMINER | | |
| OLIFF & BERRIDGE, PLC | | | WALLERSON | WALLERSON, MARK E | |
| P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | ART UNIT | PAPER NUMBER | |
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| | | | DATE MAILED: 08/31/2004 | , | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. | • | _ | | | | | |
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| Examiner Mark E. Wallerson 2026 | , | Application No. | Applicant(s) | | | | |
| Mark E. Wallerson 2226 Mark E. Wallerson | | 09/672,033 | ITO ET AL. | | | | |
| The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of time may be available under the procession of 3 °C R 1.138(a). In no event, trowever, may a reply be timely filed By the period for reply specified shows the two streams of 3 °C R 1.138(a). In no event, trowever, may a reply be timely filed If the period for reply specified shows the two streams of 3 °C R 1.138(a). In no event, trowever, may a reply be timely filed If the period for reply specified shows the two streams of 3 °C R 1.138(a). In no event, trowever, may a reply be timely filed If the period for reply specified shows the two thing day and using size (9 MoNTh's from the mailing date of this communication. Falsar to reply within the set or extended period for reply will, by statute, period will application to become ABANDONED (38 U.S.C. § 133). Shows the specification is in condition of allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 □ Claim(s) 1.42 (slare pending in the application. 4 □ Claim(s) 1.42 (slare pending in the application. 5 □ Claim(s) 1.42 (slare allowed. 6 □ Claim(s) 1.42 (slare allowed. 7 □ Claim(s) 2.8.14-21,24.26.38 and 40 (slare objected to. 8 □ Claim(s) 1.42 (slare allowed. 9 □ The specification is objected to by the Examiner. Application Papers 9 □ The specification is objected to by the Examiner. Application Papers 9 □ The specification is objected to by the Examiner. Note the attrached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 10 △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 10 △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 11 △ Certified copies of the priority documents | Office Action Summary | Examiner | Art Unit | | | | |
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| | 3) M Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) D Notice of Informal P | | | | | |

Application/Control Number: 09/672,033

Art Unit: 2626

Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-40 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The references listed in the Information Disclosure Statement dated <u>7/12/01</u> have been considered by the Examiner and is attached to this Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 9, 13, 22, 23, 25, 37, 38, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al (Wang) (U.S. 6,512,848).

With respect to claims 1, 9, 13, 22, 23, 25, 37, 38, and 39, Wang discloses a data processing device comprising means for identifying that each piece of data in a block of data containing plural pieces of data is text or image and providing a result (column 5, lines 10-36); determining whether the block of data contains text data, image data or both (column 5, lines 10-36), and means for laying out the pieces of data according to a pattern that differs depending on the determination result (column 5, lines 10-36).

6. Claims 1, 9, 13, 22, 23, 25, 37, 38, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima (U.S. 6,690,492).

With respect to claims 1, 9, 13, 22, 23, 25, 37, 38, and 39, Nakajima discloses a data processing device comprising means for identifying that each piece of data in a block of data containing plural pieces of data is text or image and providing a result (figure 7 and column 6, lines 28-38); determining whether the block of data contains text data, image data or both (column 6, lines 28-38), and means for laying out the pieces of data according to a pattern that differs depending on the determination result (column 6, lines 28-38).

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Allowable Subject Matter

7. Claims 10-12 are allowed.

8. Claims 2-8, 14-21, 24, 26-36, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (703) 305-8581. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson Primary Examiner Art Unit 2626

MARK W

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